

# STATE OF INDIANA

## ACTION PLAN FOR CDBG DISASTER RECOVERY FUNDS

U.S. Department of Housing and Urban Development  
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## **INTRODUCTION**

The State of Indiana is required to publish an Action Plan for Disaster Recovery (Action Plan) that describes the proposed use of U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funding associated with the Supplemental Appropriations Act, 2008 (Public Law 110-252, approved June 30, 2008) for disaster relief of unmet needs resulting from tornadoes and flooding in the state. This document will describe:

- the citizen participation process used to develop the Action Plan;
- eligible affected areas and applicants, and the methodology to be used to distribute funds to those areas and applicants;
- activities for which funding may be used; and
- grant administration standards.

This Action Plan will be used by the state to guide the distribution of \$10,000,000 of CDBG Disaster Recovery Funding toward meeting unmet housing, infrastructure, business, public service, public facility, and other needs in counties designated as Presidential Disaster Areas, as directed by Public Law 110-252 and HUD. Amendments to this Plan will be expected as additional funds become available. This Action Plan is in relation to the U.S. Department of Housing and Urban Development's Notice of Funding Availability provided in Federal Register / Volume 73, Number 177, Docket No. FR-5250-N-01.

## **THE EFFECT OF THE DISASTERS ON INDIANA'S RECOVERY NEEDS**

The 2008 disasters in Indiana have been among the worst in our state's history. We have a record 68 of our 92 counties declared as Presidential disaster areas between the two disaster periods (DR-1740 and DR-1766). FEMA has received over 20,000 applications for Individual Assistance (IA) and estimates over 1,500 project work sheets for Public Assistance (PA). FEMA estimates that total IA and PA costs will approach \$375 million, and the state believes that total damages to individual property, public infrastructure and agriculture will likely exceed \$1.0 billion.

DR-1766, the most recent disaster period, was clearly the most substantial. With 44 counties declared as Presidential disaster areas. FEMA estimates that total IA and PA for this disaster will exceed \$350 million. As of September 10, 2008, FEMA has received 17,645 applications for IA during DR-1766, resulting in over \$123 million in assistance. The PA process is now in full swing with FEMA having 471 applicants from local and state government and an estimated 1,804 project worksheets. Current PA estimates exceed \$150 million.

While the estimated FEMA assistance is substantial, it will not cover the estimated recovery needs in the areas of economic and workforce development, infrastructure, and housing. The following summarizes the key unmet needs in each of these areas:

### *Economic and Workforce Development*

The largest economic impact to Indiana will be in the area of agriculture where early estimates indicate that crop losses will exceed \$300 million and land rehabilitation losses for activities like debris and sediment removal, levee repair and soil erosion repair will exceed \$200 million.

Impact to other Indiana businesses is likely to exceed \$400 million with most of the damage occurring in the five most effected counties of Bartholomew, Johnson, Vigo, Morgan and Owen. The most substantial areas of damage occurred in Columbus, Indiana, where the Columbus Regional Hospital was completely immobilized and had over \$180 million in damages of which less than \$75 million will be covered by FEMA. Additionally, the city's largest employer reported damages in excess of \$200 million none of which qualified for assistance.

### *Infrastructure*

Damage to Indiana's public infrastructure will likely exceed \$325 million and it is estimated that FEMA-PA will cover about half of this expense. The remainder does not qualify, is covered by another Federal program, or represents the state/local match. A summary of those damages follows:

<b><u>Infrastructure Damage</u></b>	<b><u>\$000</u></b>
Local Roads and Bridges	\$50,000
Water/Sewer Infrastructure	\$5,000
Gov't Buildings/Facilities	\$45,000
Columbus Regional Hospital*	\$110,000
Debris Removal	\$10,000
State overtime, resources, etc.	\$10,000
DNR parks	\$5,000
Historical Structure Repair	\$10,000
Dams and Levies (Public)	\$10,000
Dams and Levies (Private)	\$37,500
Camp Atterbury	\$20,000
DNR forests	\$7,000
Local Roads and Bridges on Federal System	\$2,000
INDOT highways and bridges	\$15,000
<b>TOTAL</b>	<b>\$336,500</b>

*\* The balance of Columbus Regional Hospital's loss was business interruption and continuation largely to cover payroll of the 1,825 employees retained.*

Of note, Indiana's local FEMA-PA match will likely exceed \$40 million. Without Congressional action, Indiana will likely not achieve an automatic reduction in the FEMA match rate from 25% to 10% as our statewide per capita loss will be below the \$122 threshold. However, our hardest hit counties have more than exceeded this threshold and thus this match will be a burden to them. Iowa has already met the \$122 threshold, which drops their total match and increases Indiana's share of the overall Midwest disaster local match to near 25%.

### *Housing*

To date, Indiana has over 17,000 families suffering some type of damage, approximately 2,700 still living with family or friends, and 690 stating some ongoing need. As a result, housing is a key challenge for the state. FEMA-IA has provided substantial assistance; however, additional help will be required.

The most urgent need is to insure that those communities wanting to participate in a buy-out program have the resources to do so. Over 550 homes totaling \$71MM could be purchased through the home buy-out program with local match exceeding \$17MM. Many communities have opted to participate in the home buy-out program offered by FEMA as most of these homes have been completely destroyed and are in floodplains. While this will clearly benefit the community long-term, two issues exist. First, the match requirement is burdensome and in many cases homeowners have been left in limbo while local communities wrestle with this issue. Second, the state anticipates receiving only \$30 million from FEMA in HMGP funds. This estimate is based on FEMA's formula which determines the HMGP funds based on 15% of both IA and PA. This results in slightly more than a \$25 million shortfall.

Indiana now has 15 local Long Term Recovery Committees (LTRCs) assessing the other unmet needs. Early estimates indicate that those needs could exceed \$20 million. The vast majority of this need will be to insure that communities have adequate affordable housing options.

## **FEDERAL AND STATE RESPONSES TO DATE**

From the onset of the disaster, federal and state agencies have exhibited an unprecedented level of cooperation. This coordinated effort has resulted in quick and efficient response and a transparent delivery of services to Hoosiers.

Early in the disaster period, Governor Daniels initiated a unique approach to recovery in that he ordered all state and federal agencies to set up One-Stop-Shops around the disaster areas. These centers were designed to include appropriate federal and state resources so flood victims could initiate all of their recovery efforts at one time. This resulted in a quick enrollment of almost all applicants and the quick disbursement of nearly \$125 million in IA and SBA loans.

Similarly, Governor Daniels created the Office of Disaster Recovery (ODR) to coordinate the state's ongoing recovery efforts with one voice. ODR has five primary areas of focus: 1) Maximizing federal financial assistance, 2) Insuring optimal short and long-term housing, 3) Maximizing PA and issuing funds to local government quickly, 4) Addressing the long-term dam and levee issues, and 5) Insuring farmers receive maximum USDA assistance. ODR coordinates the activities of many federal and state agencies and is in close partnership with FEMA's DR-1766 JFO. ODR's activities are summarized and key metrics are available at [www.emergency.in.gov](http://www.emergency.in.gov).

Regarding federal financial assistance, Indiana is advancing on several fronts. First, the state is advocating for the passage of a second Emergency Supplemental Appropriation to follow the Supplemental Appropriations Act, 2008 (PUBLIC LAW 110-252—JUNE 30, 2008). Second, the state is working directly with the appropriate federal agencies to insure that Indiana receives its fair share of the funds appropriated in the first supplemental.

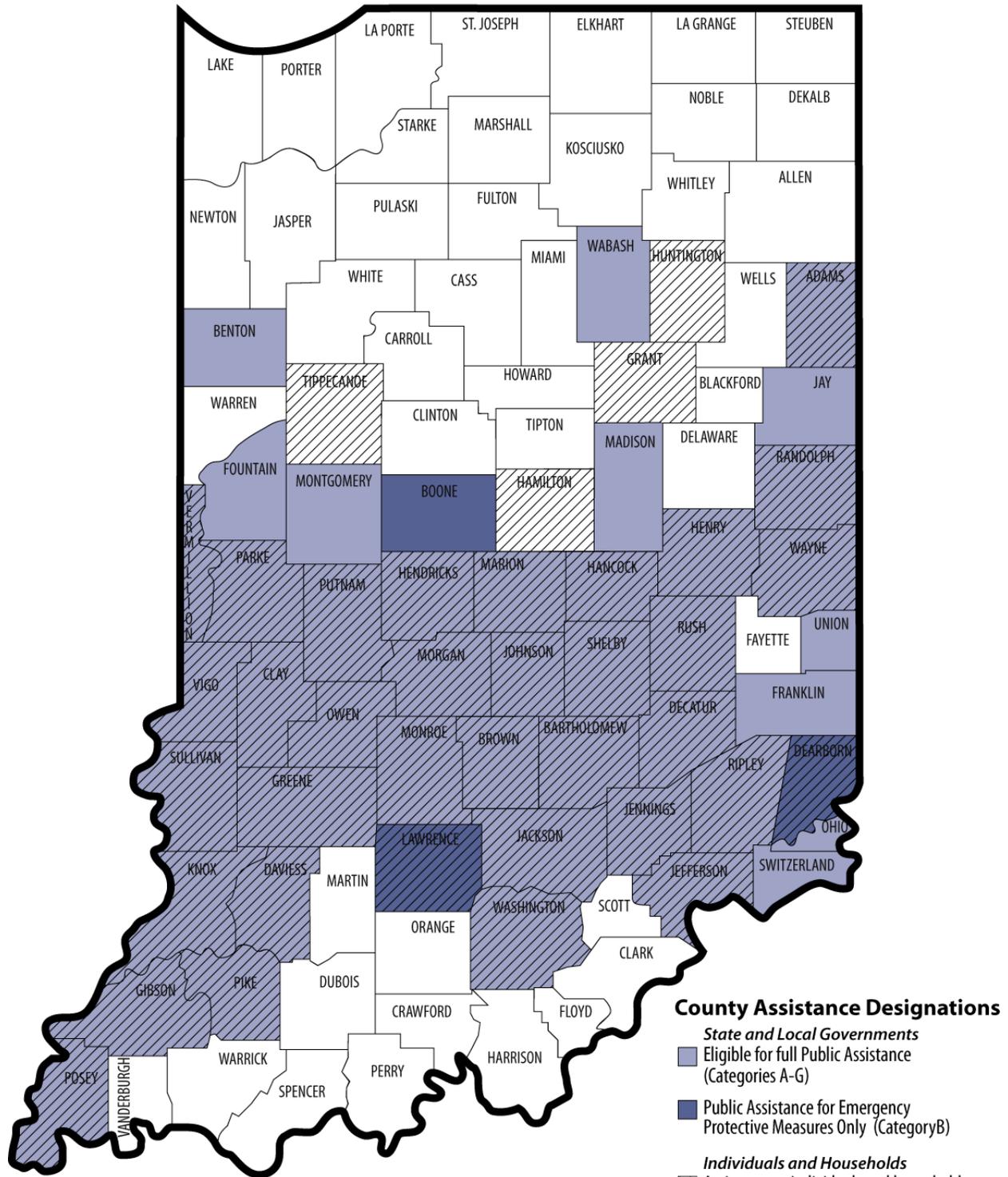
## **CONSULTATION WITH LOCAL GOVERNMENTS**

Indiana has made local government interaction a key priority in the recovery efforts. In the early days after the flooding the Governor directed the Office of Community & Rural Affairs (OCRA), the Indiana Department of Homeland Security (IDHS) and the Indiana Bond Bank (IBB) to coordinate an aggressive outreach effort to the over 1,500 local units of government impacted. This effort resulted in detailed overviews of the PA process and then aiding local government in the Request for Public Assistance process.

More recently, ODR has partnered with OCRA and FEMA-ESF#14 to begin a comprehensive Long-Term Community Recovery (LTCR) effort. The goal of this process is to understand the long-term issues that communities must address to recover. This includes identifying those projects that were indirectly impacted given that resources were diverted to cover flood related expenses. LTCR is also the state's tool to identify unmet needs and maximize federal assistance. To date, the LTCR has initiated efforts in 11 counties. Each of these counties now has a dedicated team of state and federal resources working on key recovery projects.

The LTCR has also been the key mechanism for the state to identify appropriate uses of CDBG funds.

# Counties Approved for Assistance



September 15, 2008

## **PROMOTION OF SHORT TERM/LONG TERM RECOVERY**

Indiana consistently promotes robust land use planning at the local level. The state believes that land use decisions must originate with local government with input from state and federal partners. In response to flooding, state and federal agencies are providing tools such as enhanced floodplain mapping and mitigation analysis tools to aid local government in making decisions, particularly on home buy-out programs. Once plans are complete, the state is committed to expedite the regulatory requirements under its purview.

### *Short term recovery*

- The counties each have long-term recovery teams (funded by Lilly Endowment/United Way) to plan and respond to long term needs, primarily focused on Individual Assistance. Some also bleed into Public Assistance.
- For each county, Indiana has a team that provides assistance and supplements the efforts of the local teams. The team consists of representatives from OCRA, FEMA (ESF-14), DHS, RPCs, and others as needed/required. This team works on a 'short list' each county has identified by following up at the state and federal level to remove barriers to progress on the high priorities identified by the county teams.

### *Long term recovery*

- The state teams also engage the local teams in discussion to start planning and acting on long term recovery.
- Six Regional Planning Commissions are hiring additional staff to serve as Flood Recovery Coordinators. The funding for staffs comes from EDA and from OCRA (providing local match). The Coordinators help the counties develop recovery plans and also economic recovery plans. They also assist individual communities in finding funds and applying for these funds.
- OCRA has received an EDA grant which will pay for the development of a statewide economic recovery plan. This plan will provide for coordination of the priorities established in the local plans; and also guide the efforts of the Flood Recovery Coordinators.

## **METHOD OF DISTRIBUTION**

### Flood Plain Acquisition and Green Space Development

IHCDA, in coordination with the Indiana Department of Homeland Security (IDHS), proposes to provide grants that allow cities, towns, and counties to acquire and demolish substantially damaged residential properties contained within a floodplain or floodway and to redevelop the area into permanent green space for community use. The voluntary program must be initiated by a local community and be agreed to by individual homeowners.

In order to be considered for mitigation funds, communities must have a FEMA-approved multi-hazards mitigation plan. The Indiana Department of Homeland Security has provided grants to the 42 counties impacted by the floods to complete these plans. To expedite the overall process, FEMA has given approval for communities to apply for mitigation funds while they assemble their multi-hazards plans.

Interested communities must submit a joint grant application to IDHS. Once a property is approved for purchase, the Federal Emergency Management Agency (FEMA) will cover 75 percent of the acquisition cost with the remaining 25 percent to be paid by the local unit of government, which can use CDBG funding to offset its match requirement.

Priority will be given to communities with the greatest needs considering the concentration of affected individuals and financial need of each local unit of government.

Specific criteria include:

- the community's match obligation as a percent of its annual budget;
- the median assessed value of the residential properties in the buy-out area; and
- the concentration of individual assistance applications in an impacted community.

*Allocation: \$9,500,000*

### Administration

State administration will include staff, equipment, consultant, and other operating costs involved in selection, funding, assisting, and monitoring local projects, detailed quarterly reporting to HUD, documentation of adherence to all laws, and other expenses.

Allocation: Actual expenses up to the HUD limit of 5% of funds (\$500,000) will be allocated to this activity.

## **ANTI-DISPLACEMENT AND RELOCATION**

Recipients implementing activities identified in this Action Plan are expected to ensure the assistance and protections afforded to any persons or entities under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) of 1970 (URA), as amended and section 104(d) of the Housing and Community Development Act of 1974 (HCD), as amended. Indiana plans to exercise the waivers set forth in Federal Register Vol. 73 No. 177 pertaining to URA and HCD given its priority to engage in voluntary acquisition and optional relocation activities to avert repeated flood damage and to improve floodplain management.

## **HIGH QUALITY, DURABILITY AND ENERGY EFFICIENCY**

All housing activities involving the construction or rehabilitation of multi-family and single-family dwellings must meet all building codes and standards adopted and enforced by the State of Indiana as well as any local ordinances that exceed State codes and standards.

All housing activities shall be designed to achieve maximum energy efficiency to the extent that this can be accomplished on a cost-effective basis, considering construction and operating costs over the life cycle of the structure. Efficiency may be demonstrated through design based on LEED, Green Globes, Energy Star, and/or other comparable guidelines and rating systems. Historic aesthetic and local sourced materials shall be afforded value in this analysis.

## **PROVISION OF ADEQUATE, FLOOD-RESISTANT HOUSING FOR ALL INCOME GROUPS THAT LIVED IN THE DISASTER-IMPACTED AREAS**

The State of Indiana will utilize a portion of its CDBG supplemental appropriation to mitigate the unmet affordable housing needs in disaster-impacted communities through voluntary acquisition, rehabilitation, and homebuyer assistance.

Each impacted community has convened a long-term recovery committee in collaboration with the Indiana Association of United Ways and the Lilly Endowment. An integral responsibility of these committees is deploying strategic solutions to address unmet housing needs. Local Continuums of Care have been actively engaged in the long-term recovery committees to ensure that the homeless or those at risk of homelessness due to flooding have adequate housing and support services. As appropriate, the Homeless Management Information System will be utilized to assess household needs, to link families with services, and to track outcomes. It is anticipated that shelters, transitional housing units and permanent supportive housing properties damaged or lost due to this flooding disaster will be eligible for some assistance under the housing assistance component of this plan.

Immediately following the disaster, Indiana, through the Indiana Housing and Community Development Authority (IHCDA) which administers the Section 8 program for the Balance of State, extended the 60-day time constraint that Section 8 voucher holders typically have to locate new, suitable housing. IHCDA will continue to identify administrative policies that can be amended, suspended, or repealed to increase the supply of affordable housing opportunities in each impacted community.

IndianaHousingNow.org, a online interactive database of available affordable rental units across the state has also been a useful tool in matching households with housing. Indiana expects that IndianaHousingNow will continue to grow and prove to be a robust service in future disasters.

## **ACTION PLAN AMENDMENTS**

The following events would require a substantial amendment to the Action Plan:

- Addition or deletion of any allowable activity described in the Plan;
- Change in the planned beneficiaries;

Substantial amendments to the Disaster Recovery Action Plan, if any, will be published on the both the IHEDA and OCRA websites, emailed to affected units of general local government and will provide for a public comment period.

All comments will be considered.

## **MONITORING**

CDBG (non-housing) monitoring. OCRA uses the following processes and procedures for monitoring projects receiving HUD funds:

- Evaluation on program progress;
- Compliance monitoring;
- Technical assistance;
- Project status reports;
- Monitoring technical assistance visits;
- Special visits; and
- Continued contact with grantees by program representatives.

Monitoring. OCRA conducts a monitoring of every grant project receiving HUD funds. Two basic types of monitoring are used: off-site, or “desk” monitoring and on-site monitoring.

- Desk monitoring is conducted by staff for non-construction projects. Desk monitoring confirms compliance with national objective, eligible activities, procurement and financial management.
- On-site monitoring is a structured review conducted by OCRA staff at the locations where project activities are being carried out or project records are being maintained. One on-site monitoring visit is normally conducted during the course of a project, unless determined otherwise by OCRA staff.

Grants utilizing a sub-recipient to carry out eligible activities are monitored on-site annually during the 5-year reporting period to confirm continued compliance with national objective and eligible activity requirements.

In addition, if there are findings at the monitoring, the grantee is sent a letter within 3 to 5 days of monitoring visit and is given 30 days to resolve it.

CDBG (housing) monitoring. IHCDCA uses the following processes and procedures for monitoring projects receiving CDBG and HOME funds:

- Self monitoring;
- Monitoring reviews (on-site or desk-top);
- Results of monitoring review;
- Determination and responses;
- Clearing issues/findings
- Sanctions;
- Resolution of disagreements; and
- Audits.

IHCDA conducts at least one monitoring of every grant project receiving CDBG and HOME funds. The recipient must ensure that all records relating to the award are available at IHCDCA's monitoring. For those projects determined to need special attention, IHCDCA may conduct one or more monitoring visits while award activities are in full progress. Some of the more common factors that would signal special attention include: activity appears behind schedule, previous audit or monitoring findings of recipient or administrative firm, high dollar amount of award, inexperience of recipient or administrative firm, and/or complexity of program. These visits will combine on-site technical assistance with compliance review. However, if the recipient's systems are found to be nonexistent or are not functioning properly, other actions could be taken by IHCDCA, such as suspension of funding until appropriate corrective actions are taken or termination of funding altogether.

Monitoring. Two basic types of monitoring are used: on-site monitoring and desk-top monitoring.

- On-site monitoring review:
  - Community Development Representative will contact recipient to set-up monitoring based on award expiration and completion/close-out documentation submitted and approved.
  - Recipient will receive a confirmation letter stating date, time, and general monitoring information.
  - On date of monitoring, IHCDCA staff will need: files, an area to review files, and a staff person available to answer questions.
  - Before leaving, IHCDCA staff will discuss known findings and concerns, along with any areas that are in question.
- Desk-top monitoring review:
  - Community Development Representative or Community Development Coordinator will request information/documentation from award recipient in order to conduct the monitoring. IHCDCA staff will give approximately 30 days for this information to be submitted.

- IHEDA staff will review information/documentation submitted and correspond via the chief executive officer the findings of the desk-top review. However, if during the course of the review additional information and/or documentation is needed, staff will contact the award administrator.

## **STEPS THE STATE WILL TAKE TO AVOID OR MITIGATE OCCURRENCES OF FRAUD, ABUSE, AND MISMANAGEMENT**

### *Administration and Staffing*

The Office of Community and Rural Affairs and the Indiana Housing and Community Development Authority, will provide technical assistance to local government grant recipients and undertake administrative and monitoring activities to ensure compliance with applicable federal requirements.

### *National Objective*

All activities must meet one of the three national objectives set out in the Housing and Community Development Act (address slum and blight, urgent need, or primarily benefit LMI persons). At least 50% of the Supplemental Funding will be used for activities that meet the National Objective of primarily benefiting persons of low- and moderate-income.

### *Administrative Costs*

Sub-grantees are strongly encouraged to minimize their administrative costs so that the amount available for program activities will be maximized. To promote this goal, the amount of allowable sub-grantee administrative costs will be capped at a reasonable amount for each of the various activity categories (i.e. FEMA buy-out, housing repair, public facilities), but will not exceed 5% for any of the categories.

### *Program Changes through Contract Amendments*

All sub-grantees will be encouraged to carefully plan projects that meet the stated requirements and to specify activities, associated costs, and proposed accomplishments and beneficiaries in order to reduce the need for amending contracts. Sub-grantees must contact the awarding agency (OCRA or IHEDA) prior to requesting an amendment or contract modification that affects the budget, activities, beneficiaries, or time frame for accomplishing the proposed activities. Substantial amendments may be cause to review the entire Application submitted to determine if the project is meeting its stated goals and its timelines.

### *Documentation*

The use of the disaster funding is contingent upon certain requirements, and both the state and local government will be expected to certify that these requirements will be met or carried out. The chief elected official, or designee authorized by the local governing authority of the local government

applying for funds will be required to certify in writing that the grant will be carried out in accordance with applicable laws and regulations.

In addition, local governments will be required to submit or maintain documentation that fully supports the application that is submitted to the State. Failure to document that the project is needed as a result of the disaster(s), or to mitigate the effects of future disasters, will result in an application being declared ineligible. If this discovery is made after an award has been made, the contract with the local government will be terminated and the local government will have to repay any funds received to that point.

### *Reporting*

Each awarded applicant must report on a form provided by the awarding agency on the status of the activities undertaken and the funds drawn. Additional reporting requirements (i.e., annual audits, contractual obligations and minority business enterprise reports, as applicable) will be specified in the Grant Agreement.

### *Citizen Complaints*

All sub-grantees and recipients should establish procedures for responding to citizens' complaints regarding to activities carried out utilizing these funds. Citizens should be provided with an appropriate address, phone number, and times during which they may submit such complaints. Sub-grantees should provide a written response to every citizen complaint within 15 working days of the complaint.

### *Regulatory Requirements*

Sub-grantees must comply with fair housing, nondiscrimination, labor standards, and environmental requirements applicable to the CDBG Program, as follows:

(i.) Fair Housing: Each Sub-grantee will be required to take steps to affirmatively further fair housing; and when gathering public input, planning, and implementing housing related activities, will include participation by neighborhood organizations, community development organizations, social service organizations, community housing development organizations, and members of each distinct affected community or neighborhood which might fall into the assistance category of low and moderate income communities.

(ii.) Nondiscrimination: Each Sub-grantee will be required to adhere to the State's established policies which ensure that no person be excluded, denied benefits or subjected to discrimination on the basis race, color, national origin, religion, sex, familial status, and/or physical and mental handicap under any program funded in whole or in part by Federal CDBG funds. Sub-grantees will be required to document compliance with all nondiscrimination laws, executive orders, and regulations.

(iii.) Labor Standards: Each Sub-grantee will be required to oversee compliance with Davis-Bacon Labor Standards and related laws and regulations. Regulations require all laborers and mechanics employed by contractors or subcontractors on CDBG funded or CDBG assisted public works construction contracts in excess of \$2,000, or residential construction or rehabilitation projects involving eight or more units be paid wages no less than those prescribed by the Department of Labor and in accordance with Davis Bacon Related Acts.

(iv.) Environmental: Specific instructions concerning environmental requirements at 24 CFR Part 58 will be made available to all Sub-grantees. Some projects may be exempt from the environmental assessment process, but all Sub-grantees will be required to submit a Request for Release of Funds and Certification. Funds will not be released for expenditure until the awarding agency is satisfied that the appropriate environmental review has been conducted. Sub-grantees will not use CDBG disaster recovery funds for any activity in an area delineated as a special flood hazard area in FEMA's most current flood advisory maps unless it also ensures that the action is designed or modified to minimize harm to or within the floodplain in accordance with Executive Order 11988 and 24 CFR Part 55.

## **APPENDIX A: FUTURE FUNDS METHOD OF DISTRIBUTION**

### Public Infrastructure

OCRA intends to utilize their portion of the CDBG Disaster Recovery Funds to provide assistance with public services. This may include infrastructure repair and replacement of other public facilities that were damaged or destroyed by the floods.

### Emergency Rental Assistance

From the beginning of the disaster, under the leadership of Governor Daniels, IHEDA took an active roll in ensuring that those victims of the floods were adequately housed as soon as possible. To that end, IHEDA made a commitment to provide temporary housing for all displaced victims. For displaced flood victims that were ineligible to receive FEMA assistance, IHEDA committed to paying any necessary security deposit and three months rent. For all of those who were deemed eligible to receive FEMA assistance, IHEDA committed to paying any necessary security deposit. As of August 14, 2008, IHEDA has paid \$322,871.85 in temporary rental assistance to property owners to ensure the immediate housing of those displaced by the floods. The State would request that a portion of the CDBG Disaster Recovery Funds be used to reimburse IHEDA for these up-front costs.

### Assistance to Damaged Community Action Agencies

Two of the twenty-four statewide community action agencies realized large property damage due to the floods. South Central Community Action Agency's office in Martinsville (Morgan County) suffered severe damage, totaling over \$5 million in losses. Human Services in Columbus (Bartholomew County) realized over \$100,000 in damages. IHEDA intends to use a portion of the CDBG Disaster Recovery Funds to assist these two organizations, as insurance proceeds will not pay for full replacement of much of their damaged property.

### Long Term Housing Needs

In each community that realized displaced victims, the State has instituted Long-Term Housing Committees. Coordinated by local United Way organizations, these committees will meet with victims and "triage" their long-term housing needs and compare that with any housing assistance that they have been provided. While still awaiting final numbers, it has become apparent that many displaced flood victims have been denied assistance through the Small Business Administration loan program and will therefore require additional assistance in order to find long-term stable housing. IHEDA intends to use any additional CDBG Disaster Recovery Funds for this purpose. Specifically, this funding may be used for up to 24 months of rental assistance, relocation assistance and assistance with the rebuilding of single-family homes.

## **APPENDIX B: CERTIFICATIONS FOR STATE GOVERNMENTS, WAIVER AND ALTERNATIVE REQUIREMENT**

In accordance with the applicable statutes and the regulations governing the consolidated plan and the Supplemental Appropriations Act, 2008, the State certifies that:

- a) The state certifies that it will affirmatively further fair housing, which means that it will conduct an analysis to identify impediments to fair housing choice within the state, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard. (See 24 CFR 570.487(b)(2).)
- b) The state certifies that it has in effect and is following a residential anti-displacement and relocation assistance plan in connection with any activity assisted with funding under the CDBG program.
- c) The state certifies its compliance with restrictions on lobbying required by 24 CFR Part 87, together with disclosure forms, if required by that Part.
- d) The state certifies that the Action Plan for Disaster Recovery is authorized under state law and that the state, and any entity or entities designated by the state, possesses the legal authority to carry out the program for which it is seeking funding, in accordance with applicable HUD regulations and this Notice.
- e) The state certifies that it will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR Part 24, except where waivers or alternative requirements are provided for this grant.
- f) The state certifies that it will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR Part 135.
- g) The state certifies that it is following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.115 (except as provided for in notices providing waivers and alternative requirements for this grant), and that each unit of general local government that is receiving assistance from the state is following a detailed citizen participation plan that satisfies the requirements of 24 CFR 570.486 (except as provided for in notices providing waivers and alternative requirements for this grant).
- h) The state certifies that it has consulted with affected units of local government in counties designated in covered major disaster declarations in the nonentitlement, entitlement and tribal areas of the state in determining the method of distribution of funding;

i) The state certifies that it is complying with each of the following criteria:

1) Funds will be used solely for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas covered by a declaration of major disaster under title IV of the

Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of recent natural disasters.

2) With respect to activities expected to be assisted with CDBG disaster recovery funds, the action plan has been developed so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families.

3) The aggregate use of CDBG disaster recovery funds shall principally benefit low- and moderate income families in a manner that ensures that at least 50 percent of the amount is expended for activities that benefit such persons during the designated period.

4) The state will not attempt to recover any capital costs of public improvements assisted with CDBG disaster recovery grant funds, by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless (A) disaster recovery grant funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under this title; or (B) for purposes of assessing any amount against properties owned and occupied by persons of moderate income, the grantee certifies to the Secretary that it lacks sufficient CDBG funds (in any form) to comply with the requirements of clause (A).

j) The state certifies that the grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations.

k) The state certifies that it has and that it will require units of general local government that receive grant funds to certify that they have adopted and are enforcing:

1) A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

2) A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.

l) The state certifies that each state grant recipient or administering entity has the capacity to carry out disaster recovery activities in a timely manner, or the state has a plan to increase the capacity of any state grant recipient or administering entity that lacks such capacity.

m) The state certifies that it will not use CDBG disaster recovery funds for any activity in an area delineated as a special flood hazard area in FEMA's most current flood advisory maps unless it also ensures that the action is designed or modified to minimize harm to or within the floodplain in accordance with Executive Order 11988 and 24 CFR Part 55.

n) The state certifies that it will comply with applicable laws.

\_\_\_\_\_  
Signature/Authorized Official

9/26/2008  
Date

Executive Director, OCRA  
Title

## **APPENDIX C: CITIZEN PARTICIPATION AND RESPONSE TO PUBLIC COMMENT**

The Draft Action Plan was released for public comment on Friday, September 19, 2008. The public comment period for the document ran from September 19, 2008 to September 26, 2008. The Draft Plan was posted on the websites of the Office of Community and Rural Affairs ([www.ocra.in.gov](http://www.ocra.in.gov)) and the Indiana Housing and Community Development Authority ([www.in.gov/ihcda](http://www.in.gov/ihcda)) on September 19 as well. The Draft Plan was also emailed to all Regional Planning Commissions and all cities, towns and counties in Indiana. An announcement of the Action Plan's availability was made in the following newspapers on September 19, 2008.

***The Republic***

Columbus, IN 47201

***Indianapolis Star***

Indianapolis, IN 46204

***The Chronicle-Tribune***

Marion, IN 46953

***Tribune Star***

Terre Haute, IN 47807

***Journal & Courier***

Lafayette, IN 47901

***Palladium-Item***

Richmond, IN 47375

***Martinsville Reporter Times***

Martinsville, IN 46151

***Tribune***

Seymour, IN 47274

***Spencer Evening World***

Spencer, IN 47460

***Bloomington Herald Times***

Bloomington, IN 47402

***Franklin Daily Journal***

Franklin, IN 46131

The State of Indiana did not receive any comments to the CDBG Disaster Recovery Action Plan Draft.

**LEGAL NOTICE  
OF FILING OF  
DISASTER RECOVERY ACTION PLAN**

The Office of Community and Rural Affairs (OCRA) and the Indiana Housing and Community Development Authority (IHCDA) wish to encourage citizens to participate in the development of the State of Indiana Disaster Recovery Action Plan. The State is providing the opportunity for citizens to comment on the draft Plan, which will be submitted to the US Department of Housing and Urban Development (HUD) on or before September 30, 2008. The Action Plan will set forth the method of distribution of funds for the HUD-funded program.

Members of the public, especially persons of low to moderate income, are invited to review the Plan prior to its submission during the hours of 8:30 a.m. to 5:00 p.m., Friday, September 19, 2008 through Friday, September 26, 2008, at the Indiana Office of Community & Rural Affairs, One North Capitol, Suite 600, Indianapolis, Indiana 46204. The Plan will also be available on the IHCDA and OCRA websites.

Written comments are invited from Friday, September 19, 2008 through Friday, September 26, 2008, at the following address:

Disaster Recovery Action Plan  
Office of Community and Rural Affairs  
One North Capitol, Suite 600  
Indianapolis, Indiana 46204-2288.

Additional information may also be obtained via e-mail at [bdawson2@ocra.IN.gov](mailto:bdawson2@ocra.IN.gov) or by phone at 1-800-824-2476.

**AVISO LEGAL DE PRESENTACION  
DE UN PLAN DE ACCION PARA LA RECUPERACION  
EN CASO DE DESASTRE**

La Oficina de Asuntos Comunitarios y Rurales (OCRA) y la Autoridad de Vivienda y Desarrollo Comunitario de Indiana (IHCD) desean incentivar a los ciudadanos a participar en el desarrollo de un Plan de Acción Estatal para la Recuperación en Caso de Desastre en Indiana. El Estado le está ofreciendo a los ciudadanos la oportunidad de hacer comentarios sobre el borrador de dicho Plan, el cual será entregado al Departamento de Desarrollo Urbano y de Vivienda de los EEUU (HUD) antes de o durante el día 30 de septiembre del 2008. El Plan de Acción va a determinar el método de distribución de los fondos destinados para el programa subsidiado por HUD.

Se invita al público en general, especialmente a personas de bajo o mediano ingreso, a revisar el Plan antes de su entrega durante el siguiente horario: de 8:30 am. a 5:00 pm. del 19 de septiembre del 2008 al 26 de septiembre del 2008, en la Oficina de Asuntos Comunitarios y Rurales ubicada en One North Capitol, Indianapolis, Indiana 46204. El Plan también estará disponible en los sitios web de IHCD y OCRA.

Se puede enviar comentarios por escrito del viernes 19 de setiembre del 2008 al viernes 26 de setiembre del 2008, a la siguiente dirección:

Disaster Recovery Action Plan  
Office of Community and Rural Affairs  
One North Capitol, Suite 600  
Indianapolis, Indiana 46204-2288.

También puede obtener información adicional vía correo electrónico por medio de la siguiente dirección: [bdawson2@ocra.IN.gov](mailto:bdawson2@ocra.IN.gov) o llamando al número de teléfono 1-800-824-2476.

## APPENDIX D: LISTING OF COMMUNITY DEVELOPMENT/HOUSING CONTACTS

### Adams

CHDO: John Niederman, Patherfinder Services  
1152 E. State St.  
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### Bartholomew

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Columbus, IN 47202  
(812) 372-8407

Eric Frey II, Southern Indiana Housing & Community Housing Development Corporation  
3200 Sycamore Ct  
Columbus, IN 47203  
(812) 376-9949

### Benton

CHDO: Joan Cline, CAP of Western Indiana  
418 Washington St, PO Box 188  
Covington, IN 479.2  
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Brown

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## APPENDIX E: INDIANA ASSOCIATION OF REGIONAL COUNCILS

Eastern Indiana Development District	
1201 Race Street, Room 109	<a href="http://www.eidd.org">Web site: www.eidd.org</a>
New Castle, IN 47362	<a href="mailto:nkinder@eidd.org">Email: nkinder@eidd.org</a>
Phone: (765) 521-0931	Fax: (765) 521-6971
Serving Fayette, Henry, Randolph, Rush, Union, and Wayne Counties	

Indiana 15 Regional Planning Commission	
221 E. First Street	<a href="http://www.ind15rpc.org">Web site: www.ind15rpc.org</a>
Ferdinand, IN 47532	<a href="mailto:lisa@ind15rpc.org">Email: lisa@ind15rpc.org</a>
Phone: (812) 367-8455	Fax: (812) 367-8171
Serving Crawford, Dubois, Orange, Perry, Pike, and Spencer County	

Kankakee-Iroquois Regional Planning Commission	
115 E. Fourth St., P.O. Box 127	<a href="http://www.kirpc.net">Web site: www.kirpc.net</a>
Monon, IN 47959-0127	<a href="mailto:elb@kirpc.net">Email: elb@kirpc.net</a>
Phone: (219) 253-6658	Fax: (219) 253-6659
Serving Benton, Jasper, Newton, Pulaski, Starke, and White Counties	

Madison County Council of Governments	
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16 East 9th St., Suite 100	<a href="http://www.mccog.net">Website: www.mccog.net</a>
Anderson, IN 46016	<a href="mailto:mccog@mccog.net">Email: mccog@mccog.net</a>
Phone: (765) 641-9482	Fax: (765) 641-9486
Serving Madison County	

<b>Michiana Area Council of Governments</b>	
227 W. Jefferson Blvd., Room 1120	<a href="http://www.macog.com">Website: www.macog.com</a>
South Bend, IN 46601	<a href="mailto:macogdir@macog.com">Email: macogdir@macog.com</a>
Phone: (574) 287-1829	Fax: (574) 287-1840
Serving Elkhart, Kosciusko, Marshall, and St. Joseph Counties	

<b>Northeastern Indiana Regional Coordinating Council</b>	
1 Main Street, Room 630	<a href="http://www.co.allen.in.us">Web site: www.co.allen.in.us</a>
Fort Wayne, IN 46802-1804	<a href="mailto:davery@co.allen.in.us">Email: davery@co.allen.in.us</a>
Phone: (260) 449-7309	Fax: (260) 449-7682
Serving Adams, Allen, DeKalb and Wells Counties	

<b>Northwestern Indiana Regional Planning Commission</b>	
6100 Southport Road	<a href="http://www.nirpc.org">Website: www.nirpc.org</a>
Portage, IN 46368	<a href="mailto:jswanson@nirpc.org">Email: jswanson@nirpc.org</a>
Phone: (219) 763-6060	Fax: (219) 762-1653
Serving Lake, LaPorte, and Porter Counties	

<b>Region 3A Economic Development District &amp; Regional Planning Commission</b>	
217 Fairview Blvd.	<a href="http://www.region3a.org">Website: www.region3a.org</a>
Kendallville, IN 46755	<a href="mailto:dkoenig@region3a.org">Email: dkoenig@region3a.org</a>
Phone: (260) 347-4714	Fax: (260) 347-4718
Serving Huntington, Lagrange, Noble, Steuben, and Whitley Counties	

<b>River Hills Economic Development District</b>	
300 Spring St., Suite 2A	<a href="http://www.riverhills.cc">Web site: www.riverhills.cc</a>
Jeffersonville, IN 47130	<a href="mailto:jsaegesser@riverhills.cc">Email: jsaegesser@riverhills.cc</a>
Phone: (812) 288-4624	Fax: (812) 288-8105
Serving Clark, Floyd, Harrison, Scott, and Washington Counties	

<b>Southeastern Indiana Regional Planning Commission</b>	
405 W. U.S. Hwy. 50, P.O. Box 765	<a href="http://www.sirpc.org">Web site: www.sirpc.org</a>
Versailles, IN 47042	<a href="mailto:susan.craig@sirpc.org">Email: susan.craig@sirpc.org</a>
Phone: (812) 689-5505	Fax: (812) 689-3526
Serving Dearborn, Decatur, Franklin, Jefferson, Jennings, Ohio, Ripley, and Switzerland Counties	

<b>Southern Indiana Development Commission</b>	
P.O. Box 442	<a href="http://www.sidc.cc">Website: www.sidc.cc</a>

Loogootee, IN 47553	<a href="mailto:gejones@sidc.cc">Email: gejones@sidc.cc</a>
Phone: (812) 295-3707	Fax: (812) 295-3717
Serving Daviess, Greene, Knox, Lawrence, and Martin Counties	

West Central Indiana Economic Development District	
1718 Wabash Ave., P.O. Box 359	<a href="http://www.westcentralin.com">Website: www.westcentralin.com</a>
Terre Haute, IN 47808	<a href="mailto:mnolot@westcentralin.com">Email: mnolot@westcentralin.com</a>
Phone: (812) 238-1561	Fax: (812) 238-1564
Serving Clay, Parke, Putnam, Sullivan, Vermillion, and Vigo Counties	